

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Public Hearing on amendments to the Development Code DEPARTMENT: Planning and Development Services PRESENTED BY: Jeff Forry, Permit Services Manager</p>
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BACKGROUND

The Commission held a study session to consider proposed revisions to the Development Code on September 18, 2008. During the study session a public hearing was scheduled for November 6, 2008. This hearing is an opportunity for the public to comment and the Commission to review requested changes and additional information.

Based on comments at the study session and subsequent inquiries from the Commission one clarifying revision to the proposed amendments is included. In addition, the questions raised by the Commission and staff responses are included in this report.

A copy of the proposed amendments to Title 13, (Surface Water Management Code) of the Shoreline Municipal Code was provided to the Commission for reference, but this document is not being considered at this hearing. The City Council will hold a separate hearing on the amendments to Title 13.

Following tonight's hearing, staff recommends that the Commission discuss the amendments and develop a recommendation to forward to the City Council for adoption.

The proposed modifications are attached in legislative format (with underlining and strikeouts). In most cases, included a written analysis of the change has been included.

Jeff Forry, Planning and Development Services will attend the study session to respond to your comments. If you have questions before then, please contact Jeff by phone at 206.801.2521 or by email jforry@ci.shoreline.wa.us prior to the meeting.

ATTACHMENTS

- A: Proposed Development Code revisions
- B: Code section matrix
- C: Commission questions
- D. Overview of Title 13 amendments

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20.20.010-.060

Definitions that must be revised or reviewed

BMP Manual

~~A stormwater best management practices manual that presents BMPs and procedures for existing facilities and activities and for new development activities not covered by the City Surface Water Design Manual.~~

The proposed Stormwater Manual contains BMP's. A separate BMP manual is not being employed.

Critical Drainage Area

~~An area which has been formally determined by the department as designated by the City Manager to require more restrictive regulation than City-wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development and urbanization.~~

Replaced by Special Drainage Areas.

Deviation to the Engineering Standards

A mechanism to allow the City to grant an adjustment or exception/variance to the application of engineering standards.

Term renamed to eliminate confusion with a formal land use variance. An adjustment or exception is based on the evaluation of technical engineering criteria and as such is not a "variance".

Erosion

~~The process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow.~~

The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Also, detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Redefined for consistency.

Hardscape

Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt.

New term to replace "impervious" when discussing lot coverage. Hardscape applies to the physical covering of the lot or tract with development.

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Hardscape Area The total area of a lot or parcel that is covered by hardscape features and surfaces.

High-use Site A commercial or industrial site that:

~~A. Has an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;~~

~~B. Is subject to petroleum storage or transfer in excess of 1,500 gallons per year, not including delivered heating oil; or~~

~~C. Is subject to use storage, or maintenance of a fleet of 25 or more diesel vehicles that are over 10 tons net weight (trucks, buses, trains, heavy equipment, etc.). Also included is any road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 1,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements. (1998 King County Surface Water Design Manual)~~

High-use sites are those that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil. High-use sites include:

A. An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;

B. An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;

C. An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.); or

D. A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

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Consistency with Stormwater Manual

Impervious Surface ~~Any material that prevents absorption of stormwater into the ground.~~ A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Consistency with Stormwater Manual

Infiltration Rate ~~The rate of water entry into the soil expressed in inches per hour.~~

Term is not used in the Development Code

Regional Stormwater Management Facility A surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin, ~~by the surface water management (SWM) division or a project proponent.~~ Such facilities protect downstream areas identified by the City SWM as having previously existing or predicted significant regional basin flooding or erosion problems.

Clarify wording

Special Drainage Areas An area which has been formally determined by the City to require more restrictive regulation than City-wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development

Critical Drainage Areas was renamed in the Stormwater Manual

Stormwater Manual The most recent version of the Stormwater Management Manual for Western Washington published by Washington Department of Ecology (“Stormwater Manual”)

New title of Surface Water Design Manual

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Wetpond

~~An artificial water body constructed as a part of a surface water management system.~~

Term is not used in the Development Code

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Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	Target Time Limits for Decision	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Variance <u>Deviation</u> from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

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20.30.290 ~~Variance~~ Deviation from the engineering standards (Type A action).

A. Purpose. ~~Variance~~ Deviation from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal. ~~that strict implementation of engineering standards would impose an unnecessary hardship on the applicant.~~

B. Decision Criteria. The ~~Department~~ Director shall grant an engineering standards deviation~~variance~~ only if the applicant demonstrates all of the following:

1. The granting of such deviation~~variance~~ will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such deviation~~variance~~ will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
3. A devitaion~~variance~~ from engineering standards shall only be granted if the proposal meets the following criteria:
 - a. Conform to the intent and purpose of the Code;
 - b. Produce a compensating or comparable result which is in the public interest;
 - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment.
4. Deviations~~Variances~~ from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal.
5. Deviations~~Variances~~ from drainage standards contained in the Stormwater Manual and title 13.10 SMC must meet the objectives for appearance and environmental protection.

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6. Deviations~~Variances~~ from drainage standards contained in the Stormwater Manual and title 13.10 SMC must be shown to be justified and required for the use and situation intended.

7. Deviations~~Variances~~ from drainage standards for facilities that request use of emerging technologies, an experimental water quality facility or flow control facilities must meet these additional criteria:
 - a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration,
 - b. Construction of the facility can, in practice, be successfully carried out;
 - c. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;

8. Deviations~~Variances~~ from utility standards shall only be granted if following facts and conditions exist:
 - a. The devitaion~~variance~~ shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
 - b. The devitaion~~variance~~ is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
 - c. The granting of such devitaion~~variance~~ is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 7(a), 2000).

Terminology changed from variance to deviation to minimize confusion with a land use variance. Variances have different standard of review and approval criteria.

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20.30.750 Declaration of public nuisance, enforcement.

- A. A Code Violation, as used in this subchapter, is declared to be a public nuisance and includes violations of the following:
1. Any City land use and development ordinances or public health ordinances;
 2. Any public nuisance as set forth in Chapters 7.48 and 9.66 RCW;
 3. Violation of any of the Codes adopted in Chapter 15.05 SMC;
 4. Any accumulation of refuse, except as provided in Chapter 13.14 SMC, Garbage Code;
 5. Nuisance vegetation; and
 6. Discarding or dumping of any material onto the public right-of-way, waterway, or other public property.
 7. Violation of any of the provisions of Chapter 13.10 SMC
- B. No act which is done or maintained under the express authority of a statute or ordinance shall be deemed a public nuisance. (Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 251 § 2(E), 2000; Ord. 238 Ch. III § 10(d), 2000).

Added to implement enforcement provisions contained in revised 13.10 SMC and to comply with NPDES.

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20.40.140 Other uses.

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCB D	RB & I
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION							
	Adult Use Facilities					P-i	P-i
71312	Amusement Arcade						P
71395	Bowling Center				C	P	P
6113	College and University				S	P	P
56192	Conference Center	C-i	C-i	C-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C			
	Gambling Uses (expansion or intensification of existing nonconforming use only)				S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i			
514120	Library	C	C	C	P	P	P
71211	Museum	C	C	C	P	P	P
	Nightclubs (excludes Adult Use Facilities)					C	P
7111	Outdoor Performance Center						S
	Parks and Trails	P	P	P	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)					P-i	P-i
6111	School District Support Facility	C	C	C	C	P	P
6111	Secondary or High School	C	C	C	C	P	P
6116	Specialized Instruction School	C-i	C-i	C-i	P	P	P
71399	Sports/Social Club	C	C	C	C	P	P
6114 (5)	Vocational School	C	C	C	C	P	P
GOVERNMENT							
9221	Court					P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	P-i	P-i	P-i
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i
92212	Police Facility				S	P	P
92	Public Agency or Utility Office	S-i	S-i	S	S	P	P
92	Public Agency or Utility Yard	P-i	P-i	P-i			P-i
221	Utility Facility	C	C	C	P	P	P
	Utility Facility, Regional stormwater management	P	P	P	P	P	P
HEALTH							
622	Hospital	C-i	C-i	C-i	C-i	P-i	P-i
6215	Medical Lab					P	P
6211	Medical Office/Outpatient Clinic	C-i	C-i	C-i	P	P	P
623	Nursing and Personal Care Facilities			C	C	P	P
REGIONAL							
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i

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	Secure Community Transitional Facility						SCTFS-i
	Transfer Station	S	S	S	S	S	S
	Transit Bus Base	S	S	S	S	S	S
	Transit Park and Ride Lot	S-i	S-i	S-i	P	P	P
	Work Release Facility						S-i
P = Permitted Use S = Special Use C = Conditional Use -i = Indexed Supplemental Criteria SCTFS = Secure Community Transitional Facility Special Use							

Added to table to clarify differences between general utility facilities and stormwater management facilities.

Table 20.50.020(1) – Densities and Dimensions in Residential Zones

Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.

Residential Zones							
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (1)(7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8) (9)
Max. Building Coverage (6)	35%	35%	45%	55%	60%	70%	70%
Max. Impervious Surface <u>Hardscape Area</u> (2)(6)	45%	50%	65%	75%	85%	85%	90%

(6) The maximum building coverage shall be 35 percent and the maximum ~~impervious~~ hardscape area shall be 50 percent for single-family detached development located in the R-12 zone, excluding cottage housing.

Terminology changed to implement land use provisions for lot coverage and mass. Change will eliminate discussions relative to reducing “impervious surfaces” when the original intent was to limit the development footprint. Impervious surfaces are regulated by the Stormwater Manual and are limited based on design conditions.

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Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB) Zone	Regional Business (RB) and Industrial (I) Zones
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height (1)	35 ft	60 ft	65 ft (2)
Maximum Impervious Surface <u>Hardscape Area</u>	85%	85%	95%

Terminology changed to implement land use provisions for lot coverage and mass. Change will eliminate discussions relative to reducing “impervious surfaces” when the original intent was to limit the development footprint. Impervious surfaces are regulated by the Stormwater Manual and are limited based on design conditions.

20.50.160 Open space – Standards

Exception 20.50.160(A)(3): Stormwater runoff tracts may be credited for up to 50 percent of the on-site recreation space requirement, subject to the following criteria:

1. The stormwater runoff tract is dedicated or reserved as a part of a recreation space tract;
2. The detention pond shall be constructed to meet the following conditions:
 - a. The side slope of the stormwater facilities shall not exceed grade 1:3 (one vertical to three horizontal) unless slopes are existing, natural and covered with vegetation,
 - b. Any bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard,
 - c. The stormwater facilities shall be landscaped in a manner to enhance passive recreation opportunities such as trails and aesthetic viewing, and
 - d. The stormwater facilities shall be designed so they do not require fencing pursuant to the ~~surface water design manual~~ Stormwater Manual.

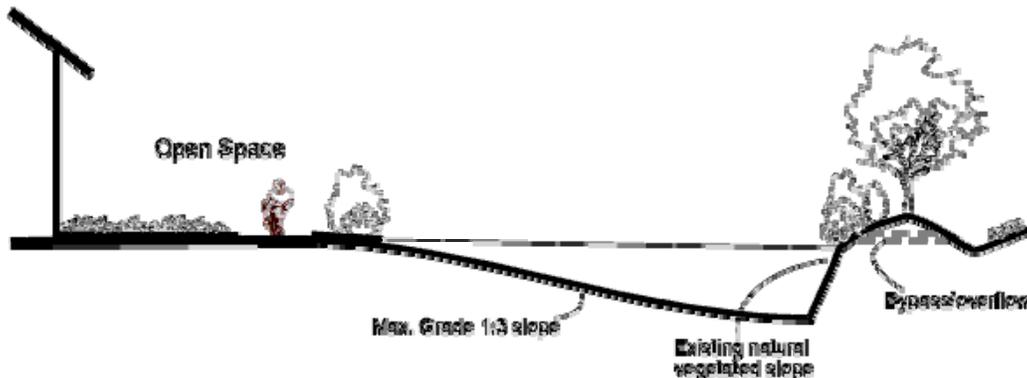


Figure Exception to 20.50.160(A)(2) and (3): Example of stormwater facility design which does not require fencing.

Term changed to reflect changes in 13.10 SMC

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20.50.230 Site planning – Setbacks and height – Standards.

Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones

Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB)	Regional Business (RB) and Industrial (I) Zones
Min. Front Yard Setback (Street) (1) (2)	10 ft	10 ft	10 ft
Min. Side and Rear Yard (Interior) Setback from NB, O, CB, RB, and I Zones (2)	0 ft	0 ft	0 ft
Min. Side and Rear Yard (Interior) Setback from R-4 and R-6 (2)	20 ft	20 ft	20 ft
Min. Side and Rear Yard (Interior) Setback from R-8 through R-48 (2)	10 ft	10 ft	15 ft
Base Height (5)	35 ft (3)	60 ft	65 ft (4)
Max. Impervious Surface <u>Hardscape Area</u>	85%	85%	90%

Terminology changed to implement land use provisions for lot coverage and mass. Change will eliminate discussions relative to reducing “impervious surfaces” when the original intent was to limit the development footprint. Impervious surfaces are regulated by the Stormwater Manual and are limited based on design conditions.

**Subchapter 5. Tree Conservation, Land Clearing and Site Grading
Standards – Sections 25.50.290 thru .370**

20.50.310 Exemptions from permit

B. **Partial Exemptions.** With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of up to six significant trees (see Chapter 20.20 SMC, Definitions) and associated removal of understory vegetation from any property.
2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a ~~critical~~ special drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).

Terminology changed to be consistent with Stormwater Manual.

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20.50.320 Specific activities subject to the provisions of this subchapter.

All activities listed below must comply with the provisions of this subchapter. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

- A. The construction of new residential, commercial, institutional, or industrial structures or additions.
- B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.
- C. Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a ~~critical~~ special drainage area.
- D. Removal of more than six significant trees from any property.
- E. Any clearing or grading within a critical area or buffer of a critical area.
- F. Any change of the existing grade by four feet or more.
- G. Any work that occurs within or requires the use of a public easement, City-owned tract or City right-of-way.
- H. Any land surface modification not specifically exempted from the provisions of this subchapter.
- I. ~~Construction or creation of new~~ Development that creates new, replaced or a total of new plus replaced impervious surfaces over ~~4,500~~ 2000 square feet in size, or 500 square feet in size if located in a landslide hazard area or ~~critical~~ special drainage area.
- J. Any construction of public drainage facilities to be owned or operated by the City.
- K. Any construction involving installation of private storm drainage pipes 12-inch in diameter or larger.

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- L. Any modification of, or construction which affects a stormwater quantity or quality control system. (Does not include maintenance or repair to the original condition).

- M. Applicants for forest practice permits (Class IV – general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a clearing and grading permit. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(D), 2000).

The threshold is changed to be consistent with the Stormwater Manual. Threshold is more restrictive than current regulations .

20.50.330 Project review and approval.

A. **Review Criteria.** The Director shall review the application and approve the permit, or approve the permit with conditions; provided that the application demonstrates compliance with the criteria below.

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a ~~variance~~ deviation from the engineering standards.
2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the engineering standards and ~~the SMC 13.10.200 Surface Water Design Manual~~ Management Code and adopted standards.
5. All required ~~bonds~~ financial guarantees or other assurance devices are posted with the City.

Terminology changed to implement Stormwater Manual and Surface Water Management Code.

20.50.340 Basic operating conditions and standards of performance.

- A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in ~~the adopted stormwater management design manual~~ SMC 13.10.200 Surface Water Management Code and adopted standards.

Terminology changed to implement Stormwater Manual and Surface Water Management Code.

~~20.60.060 Purpose.~~

~~The purpose of this subchapter is to describe requirements for new development to:~~

- ~~A. Reduce flooding, erosion, and sedimentation;~~
- ~~B. Prevent and mitigate habitat loss;~~
- ~~C. Enhance groundwater recharge; and~~
- ~~D. Prevent surface and subsurface water pollution through the implementation of comprehensive and thorough permit review and construction inspection. (Ord. 238 Ch. VI § 3(A), 2000).~~

20.60.070 General provisions Adequate surface water management system.

All new development shall be served by an adequate surface water management system as follows:

- A. The proposed system is adequate if the site of the development proposal site is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements adopted by the City as defined in chapter 13.10 SMC, Surface Water Management Code and adopted standards.
- B. For the issuance of a building permit, preliminary plat approval, or other land use approval, the applicant shall demonstrate that:
 - 1. The existing surface water management system available to serve the site complies with the design standards specified above; or
 - 2. The proposed improvements to an existing surface water management system or a proposed new surface water management system comply with the design standards specified above.

Terminology changed to implement Stormwater Manual and Surface Water Management Code. Technical provisions for adequacy are located in the Stormwater Manual.

~~For a formal subdivision, special use permit or zone reclassification, the phased installation of required surface water management improvements~~

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~~shall be stated in the approving ordinance. Such phasing may require that a financial guarantee be deposited. (Ord. 238 Ch. VI § 3(B), 2000).~~

20.60.080 Development proposal requirements.

~~A drainage review is required when any development proposal is subject to a City permit and any of the following:~~

- ~~A. Would add 1,500 square feet or more of new impervious surface;~~
- ~~B. Would construct or modify a public or private drainage system;~~
- ~~C. Contains or is within 100 feet of a floodplain, stream, lake, wetland or closed depression, or a critical area overlay district;~~
- ~~D. Is located within or within 100 feet of a landslide hazard area and would add 500 square feet or more of new impervious surface;~~
- ~~E. Is located within or within 100 feet of an identified critical drainage area;~~
- ~~F. Is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site; or~~
- ~~G. Is a redevelopment project proposing \$500,000 or more of site improvements and would create 1,500 square feet or more of contiguous pollution-generating impervious surface through any combination of new and/or replaced impervious surface. (Ord. 238 Ch. VI § 3(C), 2000).~~

20.60.090 Core surface water and stormwater requirements.

~~Every development proposal with drainage review required must meet each of the following core requirements in addition to those described in the Surface Water Design Manual.~~

- ~~**A. Core Requirement #1: Discharge at the Natural Location.** All surface water and stormwater runoff from a development proposal shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems.~~

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- ~~B. **Core Requirement #2: Off-site Analysis.** The initial application submittal for development proposals shall include an off-site analysis report that contains an assessment of potential off-site drainage impacts associated with a development proposal, called a level one downstream analysis; and proposed appropriate mitigations to those impacts.~~
- ~~C. **Core Requirement #3: Flow Control.** If a development proposal would add a minimum of 1,500 square feet of new impervious surface and any related land-cover conversion, the proposal shall include facilities to meet a minimum of level two flow control requirements and the flow control implementation as specified in the Surface Water Design Manual.~~
- ~~D. **Core Requirement #4: Conveyance System.** All engineered conveyance system elements for development proposals shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual.~~
- ~~E. **Core Requirement #5: Erosion and Sediment Plan.** All development proposals that will clear, grade, or otherwise disturb the site shall provide erosion and sediment control, in accordance with the adopted Best Management Practices (BMP) Manual, that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties.~~
- ~~F. **Core Requirement #6: Maintenance and Operation.** Development proposals shall include provisions for the maintenance of all drainage facilities. It is the responsibility of the applicant/property owner to:~~
- ~~1. Make these provisions in compliance with City maintenance standards as described in the Surface Water Design Manual, or~~
 - ~~2. Make provisions by which the City is granted an easement or covenant and assumes maintenance and operation as described in the Surface Water Design Manual.~~
- ~~G. **Core Requirement #7: Financial Guarantees and Liability.** All drainage facilities constructed or modified for development projects, except downspout infiltration and dispersion systems for single family residential~~

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lots, must comply with the liability requirements and the financial guarantee requirements of the City.

~~H. **Core Requirement #8: Water Quality.** Development proposals shall provide water quality treatment facilities to treat polluted surface water and stormwater runoff generated by the addition and/or replacement of 1,500 square feet or more of pollution-generating impervious surface or one acre or more of pollutant-generating pervious surfaces. At a minimum, the facilities shall reduce pollutant loads by meeting the applicable annual average performance goals listed below for 95 percent of the annual average runoff volume:~~

- ~~1. Basic water quality: remove 80 percent of the total suspended solids;~~
- ~~2. Sensitive lake protection: remove 50 percent of the total phosphorus; and~~
- ~~3. Resource stream protection: remove 50 percent of the total zinc. (Ord. 238 Ch. VI § 3(D), 2000).~~

~~20.60.100 Special requirements.~~

~~Every development proposal required to have drainage review shall meet all of the special requirements that apply to the site. The Department shall review each development proposal and determine if any of the special requirements apply.~~

~~A. **Special Requirement #1: Other Adopted Area-Specific Requirements.**~~

~~This requirement applies to development proposals located in a designated critical drainage area, erosion hazard area, basin plan, or shared facility plan.~~

~~B. **Special Requirement #2: Floodplain/Floodway Delineation.**~~

~~If a development proposal contains or is adjacent to a stream, lake, wetland or closed depression, then the 100-year floodplain boundaries, and floodway (if available or if improvements are proposed floodplain), shall be delineated on the site improvement plans, and on any final subdivision maps.~~

~~C. **Special Requirement #3: Flood Protection Facilities.**~~

~~If a development proposal contains or is adjacent to a Class 1 or 2 stream with an existing flood protection facility, or proposes to construct a new one, then the flood protection facility(s) shall be analyzed and/or designed as specified in the Surface Water Design Manual.~~

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~~D. **Special Requirement #4: Source Control.** If a development proposal requires a commercial building or commercial site development permit, then water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent possible. Water quality source controls shall be applied in accordance with City Code and the Surface Water Design Manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project.~~

~~E. **Special Requirement #5: Oil Control.** If a development proposal is a high-use site or is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual. (Ord. 238 Ch. VI § 3(E), 2000).~~

~~20.60.110 Construction timing and final approval.~~

~~A. No work for a permitted development related to permanent or temporary storm drainage control shall proceed without the approval of the Director.~~

~~B. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:~~

~~1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan;~~

~~2. Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and/or for the project are completed, and the potential for onsite erosion has passed.~~

~~C. Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the control of surface water and stormwater runoff discharging from the site shall be constructed and in operation. Recording of formal and administrative subdivisions may occur prior to the construction of drainage facilities when approved in writing by the Director of the Department only to minimize impacts that may result from construction during inappropriate times of the year. If recording of formal or administrative subdivisions occurs prior to the construction of the drainage facilities (when approved in writing by the Director of the Department to minimize impacts that may result from construction during inappropriate times of the year) then a bond will be posted to cover the cost of the unbuilt drainage facilities and a deadline for completion of the drainage facilities will be imposed.~~

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~~D. When required to construct a drainage facility, the applicant shall maintain a combined single limit per occurrence liability policy. This policy shall:~~

- ~~1. Be in the amount established by the City;~~
- ~~2. Name the City as an additional insured and protect City from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last.~~

~~Proof of this required liability policy is required prior to commencing construction of any drainage facility. (Ord. 238 Ch. VI § 3(F), 2000).~~

~~20.60.120 Water quality.~~

~~A. The purpose of this section is to protect the City's surface and ground water quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this section prohibits the discharge of contaminants into surface water, stormwater and ground water, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of City of Shoreline.~~

~~B. Discharges into City Waters. It is unlawful for any person to discharge any contaminants into surface water, stormwater, ground water, or Puget Sound. Contaminants include, but are not limited, to the following:~~

- ~~1. Trash or debris;~~
- ~~2. Construction materials;~~
- ~~3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;~~
- ~~4. Antifreeze and other automotive products;~~
- ~~5. Metals in either particulate or dissolved form;~~
- ~~6. Flammable or explosive materials;~~

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- ~~7. Radioactive material;~~
- ~~8. Batteries;~~
- ~~9. Acids, alkalis, or bases;~~
- ~~10. Paints, stains, resins, lacquers, or varnishes;~~
- ~~11. Degreasers and/or solvents;~~
- ~~12. Drain cleaners;~~
- ~~13. Pesticides, herbicides, or fertilizers;~~
- ~~14. Steam cleaning wastes;~~
- ~~15. Pressure washing wastes;~~
- ~~16. Soaps, detergents, or ammonia;~~
- ~~17. Spa or chlorinated swimming pool water;~~
- ~~18. Chlorine, bromine, and other disinfectants;~~
- ~~19. Heated water;~~
- ~~20. Animal and human wastes;~~
- ~~21. Sewage;~~
- ~~22. Recreational vehicle waste;~~
- ~~23. Animal carcasses;~~
- ~~24. Food wastes;~~

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- ~~25. Bark and other fibrous materials;~~
- ~~26. Collected lawn clippings, leaves, or branches;~~
- ~~27. Silt, sediment, or gravel;~~
- ~~28. Dyes, with the following exception: Dye testing is allowable but requires verbal notification to the City at least one business day prior to the date of the test;~~
- ~~29. Chemicals not normally found in uncontaminated water;~~
- ~~30. Any hazardous material or waste, not listed above.~~

~~C. Any connection that could convey anything not composed entirely of natural surface water and stormwater directly to surface, storm, or ground water is considered an illicit connection and is prohibited with the following exceptions:~~

- ~~1. Connection conveying allowable discharges;~~
- ~~2. Connections conveying discharges pursuant to an NPDES permit (other than an NPDES stormwater permit) or a State Waste Discharge Permit; and~~
- ~~3. Connections conveying effluent from onsite sewage disposal systems to subsurface soils.~~

~~D. The following types of discharges shall not be considered prohibited discharges unless the Director determines that the type of discharge, whether singly or in combination with others, is causing significant contamination to surface, storm, or ground water, or damage to a built or natural surface or stormwater conveyance system, including erosion damage:~~

- ~~1. Potable water;~~
- ~~2. Potable water line flushing;~~

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- ~~3. Uncontaminated water (including sedimentation) from crawl space pumps or footing drains;~~
- ~~4. Lawn watering;~~
- ~~5. Residential car and boat washing;~~
- ~~6. Dechlorinated swimming pool water;~~
- ~~7. Materials placed as part of an approved habitat restoration or bank stabilization project;~~
- ~~8. Natural uncontaminated surface water or ground water;~~
- ~~9. Flows from riparian habitats and wetlands;~~
- ~~10. The following discharges from boats: engine exhaust, cooling waters, effluent from sinks, showers and laundry facilities and treated sewage from Type I and Type II marine sanitation devices;~~
- ~~11. Common practices for water line or water well disinfection; and~~
- ~~12. Other types of discharges as determined by the Director.~~

~~E. A person shall not be in violation of discharge regulations if the following conditions exist:~~

- ~~1. That person has properly designed, constructed, implemented and is maintaining BMPs, and contaminants continue to enter surface water and stormwater or ground water;~~
- ~~2. The person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.~~

~~—The said person however, is still liable for prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs, or~~

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~~other discharges that allow contaminants to enter surface water and stormwater or ground water.~~

- ~~3. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this section, to avoid an imminent threat to public health or safety, shall be exempt from this section. In such a case, steps should be taken to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, recurrences shall be restricted by evaluating BMPs and the site plan, where applicable. The City shall be notified of the occurrence as close to the incident date as is feasible. (Ord. 238 Ch. VI § 3(G), 2000).~~

Moved to new subchapter in SMC 13.10.300 Enforcement authority – Public Works.

~~20.60.130 Best management practices.~~

~~A. The City adopts “Urban Landuse BMPs, Volume IV of the 1992 Stormwater Management Manual for the Puget Sound Basin” (DOE SWMM), and future amendments by reference as the Source Control BMP Manual for the City of Shoreline.~~

~~B. Applicability.~~

- ~~1. Persons implementing BMPs through another Federal, State, or local program will not be required to implement the BMPs prescribed in the City’s manual, unless the Director determines the alternative BMPs to be ineffective at reducing the discharge or contaminants. If the other program requires the development of a best management practices plan, the person shall make their plan available to City upon request. Qualifying exemptions include, but are not limited to, persons who are:
 - ~~a. Required to obtain a general or individual NPDES permit for stormwater discharges from the Washington State Department of Ecology;~~
 - ~~b. Permitted under a Washington State Department of Ecology NPDES general or individual permit for commercial dairy operations;~~
 - ~~c. Implementing BMPs in compliance with the management program of the City’s municipal NPDES permit;~~
 - ~~d. Identified by the Director as being exempt from this section.~~~~
- ~~2. Persons conducting normal single-family residential activities will not be required to implement the BMPs prescribed in the City’s BMP Manual, unless the Director determines that these activities pose a hazard to public health, safety, or welfare. (Ord. 238 Ch. VI § 3(H), 2000).~~

Stormwater Manual contains the required BMP’s and the administrative authorities to implement the various requirements.

20.70.030 Required street improvements.

Title clarifies content of this section.

20.70.035 Required stormwater drainage facilities

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

- A. Stormwater drainage improvements shall meet the minimum requirements of the Stormwater Manual.
- B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.
- C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.
- D. These provisions shall apply to all development and redevelopment, as defined in the Stormwater Manual.

Provides enabling language to direct users to appropriate standards.

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20.70.070 Dedication of stormwater facilities – Drainage facilities not accepted by the City.

A. The property owner and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility that is:

1. Under a maintenance guarantee or defect guarantee;
2. A private road conveyance system;
3. Released from all required financial guarantees prior to date of this Code;
4. Located within and serving only one single-family residential lot;
5. Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
6. Located within or associated with an administrative or formal subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
7. Previously terminated for assumption of maintenance responsibilities by the Department; or
8. Not otherwise accepted by the City for maintenance.

B. Prior to the issuance of any of the permits for any multifamily or nonresidential project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the ~~Surface Water Design Manual~~ SMC 13.10.200 Surface Water Management Code and adopted standards. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the property owner of a City determination that maintenance and/or repairs

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are necessary to the facility and a reasonable time limit in which such work is to be completed.

1. In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the county.

2. The City may enforce the restrictions set forth in the declaration of covenant provided in the ~~Surface Water Design Manual~~ SMC 13.10.200 Surface Water Management Code and adopted standards.

C. Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case by case basis. (Ord. 238 Ch. VII § 2(C-2), 2000).

Terminology changed to implement Stormwater Manual and Surface Water Management Code.

Table 20.90.040 – North City Business District Site Development Standards

Standards	Main Street 1	Main Street 2
Maximum front (street setback)	0 ft. (3) (4)	10 ft. (1) (3) (4)
Minimum side and rear yard setback from nonresidential zones	0 ft. (5)	0 ft. (5)
Minimum side and rear yard setback from residential zones	15 ft.	15 ft.
Base height	60 ft.	60 ft.
Upper floor setback (transition line) for all portions of a building along street and edges along adjacent residential zones	10 ft. (2) (4)	10 ft. (2) (4)
Maximum impervious surface <u>Hardscape Area</u>	85%	85%

Surface Water Manual Update
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PROPOSED DEVELOPMENT CODE AMENDMENTS

SMC Section		Proposed Amendment	Rationale for Amendment	Notes
Chapter 20.20 Definitions				
20.20.010-.060	Definitions	Add, clarify, and delete terms	Various terms should be reviewed for consistency with the proposed SWM. Some definitions may be cross-referenced.	
Chapter 20.30 Procedures and Administration				
20.30.040 Table 20.30.290	Variance from the engineering standards	Rename to be consistent with DOE manual	Review authorities / decision maker	
20.30.750	Declaration of public nuisance, enforcement	Add section declaring violation of 13.10 SMC a public nuisance	Language needed to comply within NPDES and correlate to enforcement provisions in 13.10 SMC	
Chapter 20.40 Zoning and Use Provisions				
20.40.140	Permitted Uses - Other uses	Add Utility Facility, Regional Stormwater	Regional stormwater facility is defined as a "utility facility". A utility facility requires a CUP.	
Chapter 20.50 General Development Standards				
20.50.020(1) Table	Densities and Dimensions in Residential Zones	1. Reference to cottage housing in maximum impervious surface footnote should be removed. 2. Maximum impervious surface should only be considered under the SWM and not at land use consideration.	Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDCAPE	
20.50.020(2) Table	Densities and Dimensions for Residential Development in Nonresidential Zones	Maximum impervious surface should only be considered under the SWM and not at land use consideration.	Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDCAPE	
20.50.160	Open Space - Standards	Review	Section lists criteria for stormwater runoff tracts. May want to include "easements". Review for consistency with SWM	
20.50.230 Table	Dimensions for Commercial Development in Commercial Zones	Maximum impervious surface should only be considered under the SWM and not at land use consideration.	Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDCAPE	
20.50.290-370	Tree Conservation, Land Clearing and Site Grading Standards	Review	Comprehensive review required. May need to incorporate reference to TESC requirements.	
20.50.410	Parking design standards	Clarify parking and driving surfaces	Parking on "approved" surfaces for all types of uses should be clarified and possibly a definition for "approved surfaces" should be provided.	
Chapter 20.60 Adequacy of Public Facilities				

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SMC Section		Proposed Amendment	Rationale for Amendment	Notes
20.60.060	Purpose	Delete	No other adequacy provision has a stated purpose. Delete or incorporate into primary purpose of chapter.	
20.60.070	General provisions	Retitle and amend	Rename section to Adequate Surface Water Management System. Move some clarifying language to this section.	
20.60.080-100		Delete	Language to be incorporated into 13.10.;200 SMC	
20.60.110	Construction timing and final approval	Delete	Move to 20.50 or 13.10 SMC	
20.60.120	Water Quality	Delete	Move to 13.10.300 SMC	
20.60.130	Best management practices	Delete	Move to 13.10.200 SMC or include in EDG/addenda to SWM	
Chapter 20.70 Engineering Standards				
20.70.020	Engineering Development Guide	Clarify	May need clarifying language. Add reference to administrative provisions of 13.10 SMC	
20.70.030	Required improvements	Add "street" to title		
20.70.035	Required drainage improvements	New section	Place criteria in this section to qualify some general information and point to 13.10 SMC	
20.70.060-.070	Dedication of stormwater facilities		Is this the correct location for these sections?	
Chapter 20.80 Critical Areas				
20.80.010-500	Critical Areas		Review for potential conflicts	
Chapter 20.90 North City Business District				
20.90.040 Table	NCBD Site Development Standards		Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDSCAPE	

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Questions Raised by Planning Commissioners - *Staff response in italics*

Will Hall

Here are the issues I touched on last night with the stormwater code. Some of these are questions that staff can answer. Others are things I may want the commission to debate. I may offer amendments related to #2 and #3. There may be nothing we can do about #4, but I would at least like staff to take a hard look at it, perhaps even seek input from someone outside the planning profession so we can challenge our assumptions: we are not bound by the way we have always done things.

1. Relationship between stormwater regulations and development regulations.
 - o Do the stormwater regulations effectively regulate development, and if so, should they be severed from GMA and land use?
 - o Does the reference to chapter 13.10 SMC in SMC 20.30.750 effectively incorporate the stormwater regulations into the GMA development regulations by treating violations as development code violations?
 - o Do we (the big picture, Shoreline community we) desire to sever the stormwater regulations from GMA development codes? This would mean that changes do not go before the planning commission, challenges could not be brought before the growth management hearings board, developers would need to comply with regulations in both places to design land use proposals, etc.

The function of surface and stormwater management is a utility by definition. The City of Shoreline's utility regulations are detailed in Title 13 of the Shoreline Municipal Code (SMC), including the surface water management code. The GMA requires the Comprehensive Plan include a utilities element, but that element only needs to include general & proposed locations and capacity of existing/proposed utilities. The proposed changes to the Development Code meet the GMA requirements – see proposed SMC 20.60.070.

The Commission may wish to comment on this relationship, but ultimately these questions will be answered by the Council. The Council will be holding a public hearing on the new stormwater regulations (Chapter 13.10) in the Municipal Code and will make a decision on the amendments to the Surface Water Management Code (Title 13 SMC) and the Commission's recommendations on the amendments to the Development Code (Title 20 SMC).

As for SMC 20.30.750, that section references all code violations and is not just limited to Development Code violations. At some point in the future, we actually may want to think of reshuffling the code enforcement/code violation sections - removing them from the Development Code and placing it in Title 2 or Title 9 of the Municipal Code, since it's really more comprehensive than just Development Code violations.

Although future changes to the stormwater regulations will not be presented to the Planning Commission, this is the case for all utilities. The Commission will still be able consider stormwater issues during the preliminary subdivision approval process.

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At the subdivision approval stage, the applicant must provide a conceptual drainage plan, which the Commission will consider in its decision to approve/deny the subdivision (or condition if SEPA is involved).

2. Hardscape versus impervious area.
 - Since hardscape is different from impervious area, should we consider whether the percentage limits that are in the current code for impervious area are what we want for hardscape?
 - Do we (again, community) want to treat pervious and impervious hardscape differently? That is, would we want to allow greater lot coverage if it is pervious than if it is impervious?

“Hardscape” is a way to characterize total lot coverage of all improvements. “Hardscape” surfaces include driveways (both gravel and paved – pervious or impervious pavements), walking surfaces, buildings, etc. Using “impervious surface” to describe lot coverage has caused confusion and difficulty in administering the Development Code. Each land use designation has a specific threshold for maximum hardscape areas (formerly impervious surface). The percent of lot coverage varies by zoning designation from 45% in the R-4 zone to 90% in the Regional Business zone.

If only the R-6 zone is considered (50% lot coverage) on a typical lot of 7,200 square feet, the maximum hardscape would equal 3,600 square feet. It also means there is 3,600 square feet of lot area that is not encumbered by structures and other constructed improvements.

Pervious pavement and other best management practice (BMP’s) credits should only be applied based as a function of a surface water management plan for the individual property. The intent is to reduce the impact of the hardscape through the use of BMP’s, but not increase the mass of improvements on the property.

Pervious pavement provides additional mass on the site. The intent is to limit the development envelop (which the code already does). Increasing mass even though it is pervious further increases the footprint of development and provides larger surfaces for thermal heating, less landscaping/lawn, etc.

This is simply a change in terminology to aid in the application of the standards contained in the Development Code and does not result in more restrictive regulations. The change does not preclude the use of BMP’s to meet LID criteria.

3. Policy question: Should regional stormwater utility facilities be permitted outright or should they be conditional uses in some zones?

The need for regional stormwater utility facilities is dictated by the utility system needs and should not be a land use consideration. This type of facility requires environmental review under SEPA. An additional level of administrative review would be redundant.

4. Policy question: Notwithstanding the technical differences in process and criteria, does it serve the community to use different words (deviation,

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variance) for different situations where the city can allow things to be done differently than the specific provisions in codes, rules, and manuals? I brought up a similar issue on a previous proposal. When the public reads sections of the code or comprehensive plan, they tend to assume that they will be implemented according to the plain language in that section. It can be confusing to explain why buildings are taller than the height limit, why developments are denser than the name of the zone implies, etc. There are different words for how we allow things to be done differently: variance, deviation, exemption, exception, applicability, modification. Professional planners, developers and lawyers may understand the distinction, but does this serve the public?

The Planning Enabling Act (RCW 36.70) defines a variance as “the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.”

A deviation is a term that is typically applied to technical standards. Deviation gives the connotation of a different path to compliance. Using the term deviation vs. variance in this case provides a clear distinction between an adjustment to an engineering standard and varying from the Development Code (zoning ordinance).

5. Technical question: Why is different language used in SMC 20.60.070(B)(1) and (2)?

The language has been revised to be consistent.

Mike Broili

1. ITEM 8.A – Attachment B, PG 37 – I like the replacement of “impervious” with the term “hardscape”. However I would like to suggest breaking the description of lot coverage into three categories (Roofscapes, Hardscapes & Landscapes) which better describe all aspects of a given site as to their functional relationship to the lot. Roofscapes must be impermeable in order to protect the integrity and functionality of the building. Hardscapes can be permeable as long as are they load bearing and Landscapes are everything that doesn’t fall into the first two categories and are required to meet WDOE Stormwater Management Manual for Western Washington, Chapter V, BMP T5.13 in all new and redevelopment.

Currently the Development Code regulates lot development in several ways, including building setbacks, building coverage and impervious surface. Building coverage is used in-lieu of “roofscapes” and provides a more comprehensive evaluation of building impacts than “roofscapes”. Building coverage is limited to a maximum percentage of the lot area (35% in the R-6 zone). This minimizes over-developing the lot. Hardscape area and building coverage are terms used to minimize mass on a site as opposed to the drainage impacts that are dealt with in the stormwater manual.

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BMP T5.13 may not be appropriate in all cases. Each new development and redevelopment proposal must be evaluated on its own merit and BMP's applied that will provide the most comprehensive approach for water quality and flow control based on the site conditions in an effort to control the project's impact on the surface water utility. In any case, out of context BMP's should not be applied globally through the Development Code.

2. ITEM 8.A – Attachment B, PG 39 – I too have a problem with the use of “natural conditions” in the first paragraph of Impervious Surface. It is vague and should refer to restoring historical hydrological functions.

The definition was revised to be consistent with the terminology used in the proposed Stormwater Manual. An attempt has been made to standardize as many of the duplicate definitions as possible and the terminology proposed is not used in the new manual. “Natural conditions” are delineated, but not necessarily defined, in the proposed Stormwater Manual.

By including the phrase “restoring historical hydrological functions” standards would be included in the definition instead of the regulations.

3. ITEM 8.A – Attachment B, PG 43 Under “A. Purpose.” What constitutes “unnecessary hardship”? This needs to be specific so it is clear that deviation will only be allowed if NO OTHER OPTIONS are available to the applicant. Personally I believe and can support an argument that if all LID design practices are applied, 95% of development proposals can be developed to a zero storm water discharge level. If not, then development should not be allowed; not all sites are appropriate for development. Presently it is the city and ultimately taxpayers who end up paying for stormwater management. I'm of the opinion that hydrological restoration costs are the responsibility of the property owner/developer and these costs should not be externalized, it should be the developer/property owner who bears the burden of all costs to restore hydrological function in the development or redevelopment of a site.

This process does not only apply to stormwater criteria, but roadway and other engineering design. The Stormwater Manual provides a comprehensive approach to applying BMP's. While some development proposals can meet a “zero” net discharge many redevelopment proposals will be impacted by this concept. Not allowing development could result in an implied taking.

The wording has been changed to better reflect the purpose.

4. ITEM 8.A – Attachment B, PG 44 7. C. – This section should also include a monitoring requirement in addition to maintenance.

Provisions for monitoring and maintenance when appropriate would be a condition of approval. The Stormwater Manual also defines maintenance and monitoring requirements for certain BMP's.

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5. General Concern. How are the Stormwater Management Manual for Western Washington, the Low Impact Development; *Technical Guidance Manual for Puget Sound* and the Shoreline Development Code linked and where in the Code is it stated that the manuals are enforceable requirements for all new and redevelopment?

The proposed Surface Water Management Code, Section 13.10.20, states:

.... All activities which have the potential to impact surface water and stormwater shall comply with the standards set forth in the current version of the following unless specifically exempted by the Stormwater Manual.

- 1. Stormwater Manual;*
- 2. Western Washington Phase II Municipal Stormwater Permit, issued by the Washington Department of Ecology; and*
- 3. City of Shoreline Engineering Development Guide.*

B. Low Impact Development. Low impact development techniques shall be employed wherever feasible. When low impact development techniques are employed, the design and construction shall be consistent with the most recent version of Low Impact Development Technical Guidance for Puget Sound (Puget Sound Action Team & Washington State University, Pierce County Extension), or consistent with techniques approved by the Public Works Director.

The Stormwater Manual is defined as the most recent version of the Stormwater Management Manual for Western Washington published by Washington State Department of Ecology.

By definition this manual applies to all development and redevelopment. The connection to the Development Code is made in section 20.60.070, Adequate surface water management system. This section requires all development be served by an adequate surface water management system. To be deemed adequate the applicant must demonstrate how the proposal complies with the technical standards in 13.10 SMC and the Stormwater Manual.

Chapter 13.10
Surface Water Management Code

Subchapter 1. Surface Water Utility

Note to reader: This subchapter established the SWM utility, who is in charge of it, how fund dollars can be used, points to the fee schedule, and establishes right of entry to measure impervious surface or other stormwater related items on private property to ensure the proper fee is charged.

- 13.10.100 Purpose
- 13.10.110 Authority
- 13.10.120 General Provisions
- 13.10.130 Rates
- 13.10.140 Right of Entry

Subchapter 2. Surface Water Management Code

Note to reader: This subchapter establishes the authority, standards, and inspections required to ensure stormwater from development and redevelopment activities do not adversely impact residents, businesses, City infrastructure, or aquatic resources.

- 13.10.200 Purpose
- 13.10.205 Definitions
- 13.10.210 Adoption of Stormwater Management Manual
- 13.10.215 Authority
- 13.10.220 Applicability and Standards
- 13.10.225 Minimum Requirements
- 13.10.230 Special Drainage Areas
- 13.10.235 Inspections
- 13.10.240 Record Drawings and Certifications
- 13.10.245 Operation and Maintenance

Subchapter 3. Water Quality

Note to reader: This subchapter establishes the authority and inspections required to prevent degradation of water quality in the City's stormwater system and waters of the State from any activity (except for those permitted by the Western Washington Municipal Stormwater Permit).

- 13.10.300 Purpose
- 13.10.310 Definitions
- 13.10.315 Authority
- 13.10.320 Discharges Into City Waters
- 13.10.330 General Requirements
- 13.10.340 Inspections and Investigations

Subchapter 4. Violations

- 13.10.400 Violations
- 13.10.410 Violation of Federal and State Guidelines